

Excerpts  
Planning Commission Minutes  
March 22, 2000

**Application No. UP-555-00, Kenneth Dale Moore:** Request for a special use permit, pursuant to Section 24.1-306 (category 14, number 6) of the York County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on 4.5 acres of a 9.75 acre parent tract along Hampton Highway (Route 134), approximately 850 feet east of the intersection of Hampton Highway and Big Bethel Road (Route 600).

Chair Hendricks announced that Commissioners Garman and Lockwood have each disqualified themselves from participation in this public hearing.

Mr. Adam Kinsman presented the staff report, opening with a brief video then summarizing the staff memorandum to the Commission dated March 10, 2000. Mr. Kinsman noted the staff recommendation for denial as explained in the memorandum.

**Mr. Lamont Myers**, Mid-Atlantic Commercial Realty, 3630 George Washington Memorial Highway, represented the applicant, Mr. Moore. Mr. Myers spoke of the benefits the applicant believed the County would enjoy as a result of approval of his application, including a logical transition of land uses within the project; positive fiscal impact; minimal effect to the surrounding neighborhoods; landscaping exceeding that which is ordained by the County and including retention of the mature trees; provision of noise barrier to neighbors behind the facility; and positive reception during a series of neighborhood meetings he and the applicant have conducted. Mr. Myers displayed a rendering of the front elevation of the project and a component of the building materials the applicant proposes to use. He stated that, in an effort to minimize the visual transition between the warehouses and the adjacent properties, the proposed warehouses would be constructed of split-faced block similar in color to that used at the adjacent apartment complex. Mr. Myers believed the parcel is too far from an interstate highway to be a successful office park as suggested in the Comprehensive Plan.

**Mr. Kenneth Dale Moore**, 337 Redoubt Road, responded to a question stating that there would be no outdoor storage, eliminating any opportunity for storage of RV's, boats, or automobiles. Mr. Myers added that security cameras would be placed outdoors at the facility. Mr. Moore also noted that they were keeping their options open in regard to constructing some climate-controlled units.

Mr. Myers indicated that several neighborhood-service-oriented establishments are expected to be finalized for the parent tract, including a car wash on Big Bethel Road.

There being no others to speak, the Chair closed the public hearing.

Mr. Semmes indicated he found nothing particularly objectionable about the proposal and that the applicant had taken significant steps to satisfy most of the staff recommendations. He noted that the range of uses for the parcel is limited due to its narrow configuration.

Mr. Simasek commended Mr. Myers for his professional presentation. He questioned whether the use is appropriate for a General Business-designated property and, if not, if its approval could undermine future opportunities to attract other GB-type businesses there.

Mr. Hendricks echoed Mr. Simasek's concerns and added that the Comprehensive Plan addresses that issue.

Mr. Beil indicated his agreement. He spoke of the admirable job by Messrs. Myers and Moore in revising their design to address the County's requirements, but felt the area is not appropriate for a self-storage facility. He preferred, he added, to have an office development there.

Mrs. White moved the adoption of Resolution PC00-2 to recommend denial. It passed by a vote of 4:1:2 (Semmes dissenting, Garman and Lockwood abstaining).

Excerpts  
Planning Commission Minutes  
September 13, 2000

**Application No. UP-555-00 (amended), Kenneth Dale Moore (Clear Moore Construction):** Request for a special use permit, pursuant to Section 24.1-306 (category 14, number 6) of the York County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on 2.9 acres of land along Hampton Highway (Route 134), approximately 850 feet east of the intersection of Hampton Highway and Big Bethel Road (Route 600).

Mr. Michael King presented the summary of the staff memorandum to the Commission dated September 5, 2000, and noted the recommendation of denial and the inclusion of a resolution for approval should the Commission make that recommendation.

Mr. Shepperd asked about comparisons to existing storage facilities in the vicinity, and Mr. King replied that the staff did not conduct such research for this particular application. Staff is aware that there are several mini-storage warehouse facilities in the lower County, he added, but believes there is still a market for them in the area. Mr. Heavner commented that only a few units are available in the existing facilities.

Mr. Shepperd asked where the entrance and exit points would be, which Mr. King confirmed would be Big Bethel Road. Mr. Shepperd inquired about the possible need for a traffic signal or if any other discussions or proposals took place about the traffic situation. Mr. King noted that traffic typically generated by mini-storage facilities does not warrant a new signal or traffic modification. Mr. Shepperd inquired about projected lost revenue, if approved, and Mr. King replied that a retail use on the site would generate approximately \$200,000 in revenue versus approximately \$15,000 for a mini-storage use.

The Chair opened the public hearing.

**Mr. Lamont D. Myers**, Mid-Atlantic Commercial, represented the applicant and spoke in behalf of approval. Mr. Myers clarified the entrance and exit points for the intended use, and the acreage remaining on the subject parcel. He said the applicant is proposing an entrance to the proposed mini-storage facility that also would also serve any retail development that would occur on the remaining three acres of the parcel. Mr. Myers said the operation would have a low traffic impact and around-the-clock camera surveillance and should not be disruptive to the neighborhood. He displayed for the Commission an architectural rendering showing the colors and brick to be the same as those used on the adjacent apartments and car wash. He said no one has expressed opposition either to the applicant or to him.

Mr. Myers added that he did not consider the plan to contradict the Comprehensive Plan inasmuch as it is design-compatible with its surroundings and on land with limited utility and design.

Responding to an inquiry by Mr. Shepperd, Mr. Myers reported that the applicant had considered a retail use but found that the property is too shallow for such use.

Hearing no others, Chair Semmes closed the public hearing.

Mr. Hendricks opined the revised site plan is improved over the applicant's proposal to the Commission in March but he still did not think it is the right project for the site. He said he would be willing to wait for something more suitable for that particular parcel, in the interest of land use.

Mrs. White agreed and added that the proposed use did not appear to be supportive of the Comprehensive Plan.

Mr. Shepperd, noting the proximity of the site to his own community, said the citizens in the area are sensitive to the perceived "constant encroachment" on their way of life and added that his own homeowners' association had been strongly opposed to storage facilities on Route 134.

Mr. Heavner was not convinced the proposal was the "highest and best use." He thought that another use would be more suitable for this major intersection although it was a good proposal for a different location.

Mr. Beil agreed, and said he remains opposed to the project.

Mr. Semmes concluded that the Comprehensive Plan does not support a mini-storage use for this development, while commending Mr. Myers and his client for making the proposed facility as attractive as possible.

Mrs. White moved the adoption of Resolution PC00-22 to recommend denial and it passed unanimously (6:0, Simasek absent).

PC00-22

On motion of Mrs. White, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND DENIAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE FACILITY ON 2.9 ACRES ALONG HAMPTON HIGHWAY (ROUTE 134)

WHEREAS, Kenneth Dale Moore has submitted Application No. UP 555-00, which requests a special use permit pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance to authorize the establishment of a mini-storage warehouse facility on a parcel located along Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of September, 2000, that Application No. UP-555-00 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of denial.

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**PUBLIC HEARING****APPLICATION NO. UP-555-00 (AMENDED), KENNETH DALE MOORE (CLEAR MORE CONSTRUCTION)**

Mr. Stuck reminded the Board the application was before them previously, and at that time the applicant chose to withdraw the application so he could make revisions. He stated the application was back for reconsideration.

Mr. Timothy Cross, Senior Planner, after a video was shown displaying the property in question, made a presentation on Application No. UP-555-00 to authorize a use permit for the establishment of a mini-storage warehouse facility on 2.9 acres of land along Hampton Highway, approximately 850 feet east of the intersection of Hampton Highway and Big Bethel Road. The Planning Commission first considered the application at its March 22 meeting and recommended denial. The applicant subsequently made some modifications to the proposal, and the Board remanded the application back to the Planning Commission for reconsideration. The Planning Commission reconsidered the application at its September 13, 2000, meeting and voted to recommend denial. He stated the revenue generating potential from mini-storage warehouses was low compared to other commercial uses that would be permitted as a matter of right. He stated staff was concerned about the economic impact because of the limited supply of vacant commercially-zoned parcels on Route 134. Staff recommends that the Board deny the application.

Chairman Zarembo called to order a public hearing on Application No. UP-555-00 which was duly advertised as required by law. Proposed Resolution R00-169 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE FACILITY ON 2.9 ACRES ALONG ROUTE 134

Mr. Lamont Myers, Mid-Atlantic Commercial, who represented the applicant, showed a sketch of the project to the Board members. He stated the proposal was superior in design and fit in well with the neighborhood. He stated the revised plan reduced the size of the project by about one-third and was in conformity with the Comprehensive Plan. He felt it would be advantageous for the County to allow the applicant's plan rather than delay and wait for the perfect tenant while losing thousands of tax dollars.

Chairman Zarembo mentioned the minutes of the Planning Commission, stating the Woodlake Homeowners Association was opposed to the construction of mini-storage facilities along Route 134.

Mr. Myers stated he was surprised at their comments and stated there were no other citizens appearing in opposition at the public hearings.

Chairman Zarembo asked Mr. Cross to elaborate on the Commission's findings.

Mr. Cross stated the Planning Commission felt this project was not the best use for the property as a commercial investment.

There being no one else present who wished to speak concerning the subject application, Chairman Zarembo closed the public hearing.

Mr. Burgett stated he felt this project was not the best use of this property, and he was not able to support the plan.

Mr. Wiggins stated this was a major intersection, and he also felt this was not the best use of the property.

Miss Rapp liked the fact it had low traffic. She discussed the importance of conforming with the Comprehensive Plan and not making many exceptions to the rules. She stated she would vote no since this would be making an exception.

October 17, 2000

Mr. Wiggins then moved the Board deny proposed Resolution R00-169 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE FACILITY ON 2.9 ACRES ALONG ROUTE 134

WHEREAS, Kenneth Dale Moore has submitted Application No. UP 555-00, which requests a special use permit pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance to authorize the establishment of a mini-storage warehouse facility on a 2.9 acre portion of a parcel located along Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended denial of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the recommendations of the Commission and staff with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17<sup>th</sup> day of October, 2000, that Application No. UP-555-00 be, and it is hereby, approved to authorize the establishment of a mini-storage warehouse facility on 2.9 acres along Hampton Highway (Route 134), subject to the following conditions:

1. This use permit shall authorize the establishment of a mini-storage warehouse facility located along Hampton Highway (Route 134) on approximately 2.9 acres of land that is further identified as Assessor's Parcel No. 37-158.
2. The mini-storage warehouse facility shall be developed and operated in accordance with the standards set forth in Section 24.1-483, Standards for all wholesaling and warehouse uses; Section 24.1-484, Standards for mini-storage warehouses; and Section 24.1-245, Greenbelts.
3. A site plan shall be prepared in accordance with Article V of the York County Zoning Ordinance. Said site plan shall be in substantial conformance with the revised concept plan titled "Concept Plan" and dated July 28, 2000 and included in the file as part of this revised application.
4. All buffer widths, plantings, and ratios shall be in substantial conformance with those outlined in the letter from Mary E. Higgins, C.L.A., to Lamont Myers, and dated February 4, 2000 and in the associated landscape plan titled "Conceptual Landscape Plan" and dated January 27, 2000. All existing healthy trees shall remain undisturbed in all buffer areas.
5. A single commercial entrance to Route 134 shall serve the proposed development.
6. A decorative façade in substantial conformance with the conceptual plan titled "Conceptual Plan" and dated March 9, 2000, shall be extended along all sides of the warehouse development, except where breaks are made necessary by Zoning Ordinance regulations. In addition, the façade shall contain the same materials, colors, and design as described in the narrative provided by the applicant (dated March 9, 2000).
7. Freestanding signage for the development shall be limited to one ground-mounted monument type sign. Said sign shall be constructed of brick or decorative block material.
8. The development shall be limited to 40,000 (or fewer) net square feet of rentable space.

9. All warehouse doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be sited along or in the exterior façade of the mini-storage warehouse development.
10. The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. daily.
11. A continuous line of fencing around the perimeter of the mini-storage warehouse facility shall not be permitted. Limited fencing along breaks in the façade made necessary by Zoning Ordinance shall be permitted. Said fencing shall be a black, wrought iron style fence. The use of chain link or similar theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
12. Building height shall be no greater than fifteen feet (15'), as measured from the finish grade, except for any gables on the decorative facade, which may be no greater than thirty feet (30'), as measured from the finish grade.
13. Building and storage door colors shall be of a muted, colonial hue as depicted in the conceptual drawings submitted by the applicant.
14. The office/manager's residence building shall be a one (1)-story structure and the design shall be in substantial conformance with the conceptual plan titled "Conceptual Plan" and dated March 9, 2000.
15. All external lighting, including security lights, shall be full cutoff fixtures. Lighting shall not spill over onto adjacent properties. A photometric plan shall be submitted for approval to the Planning Division as part of the site plan review process.
16. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Rapp, Zaremba  
Nay: (0)

Excerpts  
Approved Planning Commission Minutes  
October 9, 2002

**Application No. UP-610-02, Kenneth Dale Moore:** Request for a Special Use Permit, to authorize the establishment of a mini-storage warehouse facility on a 2.6-acre portion of a 6.3-acre parcel of land located on Hampton Highway (Route 134) approximately 900 feet east of the intersection of Hampton Highway and Big Bethel Road (Route 600).

**Mr. Tim Cross** presented a summary of the staff report dated September 30, 2002 in which the staff recommended denial. Mr. Cross noted that within the past two years the Board denied an almost identical application and the Commission has twice recommended denial of applications for the same use at the same location. He noted that the current application is virtually the same as the previous applications and the staff's recommendation remains unchanged.

Responding to a question by Mr. Semmes, Mr. Cross explained that previous applications requested 60,000 net square feet of rentable space while the current application requests approximately 50,000 net square feet.

Chair Hendricks opened the public hearing.

**Mr. Lamont Myers**, 108 Pheasant Watch, explained that Mr. Moore was out of town and spoke as the applicant's agent. Mr. Myers named what he considers to be the positive aspects of the application, which included:

- Would serve a need in the community.
- Use permit would provide County control of building materials, landscaping, colors, access, and signage.
- Proposed design, color, materials and shared access compatible with the adjacent Belmont apartment complex.
- Consistent with Comprehensive Plan for nodal development within the proposal area.
- Low traffic generator.
- Neighbors have not objected.
- Would blend with surrounding uses.
- No impact on public service.
- Quiet, secure, employing around-the-clock camera surveillance.
- Best use for a "difficult piece of property on which the owner is paying taxes" in the amount of \$12,000 annually.



Mr. Myers maintained the market is not viable for other, perhaps more desirable, uses for this property because of its shape, size and obscurity from public view. He requested a recommendation of approval.

There were no others who came forward to speak, and the Chair closed the public hearing.

Mr. Hendricks commended Mr. Myers for his presentation and agreed the project is an excellent one, but not in the proposed location, and for that reason he did not support it.

Mrs. White did not believe the project met all of the criteria for nodal development nor was it the highest and best use for that property at this time.

Mr. Barba believed approval would be tantamount to downzoning the property and he wanted to wait for another opportunity that would be more suitable for the property.

Mr. Simasek did not believe a storage facility belonged on a major transportation artery.

Mr. Semmes recognized the good quality of the applicant's other projects in the County. He acknowledged that development along that area of Route 134 had been slow, but did not believe the size or depth of the parcel had contributed to it not having been developed. He did not think a storage facility would be appropriate.

Mr. Ptasznik thought the applicant was offering a very attractive facility, but it belonged in a different location. He believed that more appropriate uses could be found for the general commercial area and preferred more medical office space. He encouraged the applicant to seek another site in the County because he believed this was a worthwhile project.

Mrs. White moved the adoption of Resolution No. PC02-40.

PC02-40

On motion of Mrs. White, the following resolution was denied 6:0 (6 No, 0 Yes; Mr. Heavner absent):

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE  
PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE  
WAREHOUSE FACILITY ON 2.6 ACRES ALONG ROUTE 134

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